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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,411	03/01/2004	Raj R. Sripathi	024777.0141PTUS	1469
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PATTON BOGGS, LLP 2001 ROSS AVENUE, SUITE 3000 DALLAS, TX 75201			EXAMINER NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2614	
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			06/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,411

Applicant(s)

SRIPATHI ET AL.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/19/04 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams et al. (U.S. Patent 7,158,508) in view of Bean (US 3,923,504).

As to claim 1, Abrams teaches a system for managing circuit-to-packet provisioning late breaking comprising: receiving orders for services, each order having a network type associated with the order (Fig. 6, 601, 613, 615; col. 4, lines 4-5); provisioning services for orders received for services on packet-based network (col. 3, lines 51-55); provisioning services for orders received for services on circuit-based network (col. 3, lines 56-60); reallocate orders when the network type changes after allocating the order (col. 3, line 62 through col. 4, line 3; col. 4, lines 53-57).

Abrams does not explicitly teach a migrated system provisioning services on packet-based networks and a non-migrated system provisioning services on circuit-based networks.

Bean teaches migrated and non-migrated utilized for circuits components (see abstract; col. 11, lines 14-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Bean into the teachings of Abrams for the purpose of having a more efficient system by providing several choices as which of migrated and non-migrated are to be utilized for circuit components, as discussed by Bean (col. 11, lines 18-23).

As to claims 2-7, Abrams teaches reallocate migrated/non-migrated or both systems allocated to the non-migrated/migrated upon determining of the ordering is for services on a packet-based networks/circuit-based networks (Fig. 6; col. 7, lines 46-48; col. 3, line 62 through col. 4, line 3; col. 4, lines 53-57; col. 5, lines 13-26; col. 7, lines 19-23).

As to claim 8, Abrams teaches the network type is defined as data representative of a network upon which services of the order are provisioned (Fig. 6, 601, 613, 615; col. 4, lines 4-5).

As to claim 9, Abrams teaches the network type is associated with one of a circuit-based network, a packet-based network, and both a circuit and a packet-based network (col. 3, lines 3-9).

As to claim 10, Abrams teaches the network type is the network upon which services of the order are provisioned (col. 3, lines 38-46).

Claims 11-12 are rejected for the same reasons as discussed above with respect to claim 1. Abrams and Bean do not explicitly teach determining that the network type is different, changing the network type. However, Abrams does teach steps of Figure 6 concerning the processing of requests for resource allocations and changes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the steps of determining that the network type is different, changing the network type in order to dynamically reallocate resources linking the access network and a network switch.

As to claims 19-20, Abrams teaches reallocating some of the order comprising changing and updating the order (col. 5, lines 40-53).

Claims 21-22 and 24-25 are rejected for the same reasons as discussed above with respect to claims 1-7.

As to claim 23, Abrams teaches the late breaking scenario is defined as one of a circuit move, a dual circuit override, and a late breaking dual (Fig. 6; col. 6, lines 36-42).

Claims 26-28 are rejected for the same reasons as discussed above with respect to claims 1-7.

Allowable Subject Matter

4. Claims 13-18 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 is objected because prior arts of record fail to teach, or render obvious, alone or in combination a method for managing circuit-to-packet provisioning late breaking scenarios comprising the claimed means and their components, relationships, and functionalities as specifically recited in claim 13 and claims 11-12 that claim 13 depends on.

Claims 14-18 are objected because they depend on objected claim 13.

Claim 29 is objected because prior arts of record fail to teach, or render obvious, alone or in combination a method for populating orders to a migrated computer system operable for managing orders for services on a migrated network comprising the claimed means and their components, relationships, and functionalities as specifically recited in claim 29 and claim 26 that it depends on.

Claims 30-32 are objected because they depend on objected claim 29.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doherty et al. (US Patent 6,735,293) teaches method and system for facilitating telecommunications service provisioning and service assurance.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/
Primary Examiner, Art Unit 2614